

Law Offices of:

PHILIP J. BERG, ESQUIRE

Identification No. 09867

555 Andorra Glen Court, Suite 12

Lafayette Hill, PA 19444-2531

Ph: (610) 825-3134

Fx: (610) 834-7659

Email: philjberg@gmail.com

*Attorney in pro se and as Counsel for
the Plaintiffs upon approval of Pro
Hac Vice Admission*

EVELYN ADAMS, Plaintiff

c/o **PHILIP J. BERG, ESQUIRE**

555 Andorra Glen Court, Suite 12

Lafayette Hill, PA 19444-2531

Ph: (610) 825-3134

Fx: (610) 834-7659

Email: philjberg@gmail.com

*In Pro Se, Pending Mr. Berg's Pro
Hac Vice Admission*

LISA OSTELLA, and GO EXCEL GLOBAL, Plaintiffs

c/o **PHILIP J. BERG, ESQUIRE**

555 Andorra Glen Court, Suite 12

Lafayette Hill, PA 19444-2531

Ph: (610) 825-3134

Fx: (610) 834-7659

Email: philjberg@gmail.com

*In Pro Se, Pending Mr. Berg's Pro
Hac Vice Admission*

LISA LIBERI, Plaintiff

c/o **PHILIP J. BERG, ESQUIRE**

555 Andorra Glen Court, Suite 12

Lafayette Hill, PA 19444-2531

Ph: (610) 825-3134

Fx: (610) 834-7659

Email: philjberg@gmail.com

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**U.S. DISTRICT COURT, NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

LISA LIBERI, et al,

Plaintiffs,

vs.

LINDA SUE BELCHER, et al,

Defendants.

CIVIL ACTION

Case No. 2:11-cv-00090-J

Honorable Mary Lou Robinson

**PLAINTIFF’S EVIDENTIARY OBJECTIONS and OBJECTIONS TO
DEFENDANT’S FALSE STATEMENTS and OPINION OUTLINED IN
THEIR MOTION TO REJECT PLAINTIFFS RESPONSE IN OPPOSITION
TO DEFENDANT HALE’S MOTION TO DISMISS**

TO THE HONORABLE COURT AND ALL PARTIES:

PLEASE TAKE NOTICE that Plaintiffs Philip J. Berg, Esquire, in pro se and as Counsel for the Plaintiffs upon *Pro Hac Vice* admission, and Plaintiffs Evelyn Adams, Lisa Liberi, Lisa Ostella, Go Excel Global and the Law Offices of Philip J. Berg [“Plaintiffs”] submit the following evidentiary objections and objections to Defendant Edgar Hale’s opinions, false statements, and characterizations of the Plaintiffs outlined in Defendant’s Motion to Reject (Strike) [“MTR”] Plaintiffs Response in Opposition to his Motion to Dismiss. In support hereof, Plaintiffs avers as follows:

I. GENERAL OBJECTIONS TO DEFENDANT HALE’S MTR:

1. Plaintiffs filed a Response in Opposition to Defendant Edgar Hale’s [“Hale” or “Defendant”] Motion to Dismiss.

2. Defendant Hale has now filed what he entitled “Motion to Reject” Plaintiffs’ Response in Opposition [sic] to Defendants [sic] Edgar Hale’s Motion to Dismiss. However, Defendant’s pleading appears to be more of a Reply if anything at all.

3. Instead of legally arguing the basis of his Motion or any legal issue pertaining to the Plaintiffs Opposition, Defendant inputs his lay opinion, he is argumentative, falsely accusing the Plaintiffs of lying, false misquoting prior Orders of the Court, falsely mischaracterizing events and rulings, reciting things he has absolutely **no** personal knowledge of, and Defendants claims and allegations are baseless. Defendant Hale's statements, opinions and conclusions are inadmissible, *United States v. Cantu*, 167 F.4d 198 204 (5th Cir. 1999).

II. PLAINTIFFS SPECIFIC OBJECTIONS TO DEFENDANT EDGAR HALE'S MOTION TO REJECT PLAINTIFFS RESPONSE IN OPPOSITION:

4. Defendant's MTR should **not** be accepted or considered by this Court. Plaintiffs Objections are submitted to this Court with an express reservation of Plaintiffs General Objections to Defendant's MTR and without waiving any such General Objections. As outlined below, Defendant Hale's statements, opinions, false recitations, false allegations, false characterizations and baseless statements are devoid of any competent or admissible evidence.

5. Defendant Hale stated on page 2 "...which means that only one person did this".

Plaintiffs Objections: Irrelevant, *Fed. R. Evid.* ["FRE"] 401, 402, Lack of Personal Knowledge; Speculation; lacks foundation; No Showing of

Personal Knowledge, FRE 602; Inadmissible opinion testimony, FRE 701, et. Seq. and Argumentative.

6. On page 2, “This is a way Mr. Berg and his assistant are taking advantage of the court by not having each person do their own legal work just as Caren and I do”.

Plaintiffs Objections: Irrelevant, *Fed. R. Evid.* [“FRE”] 401, 402, Lack of Personal Knowledge; Speculation; lacks foundation; No Showing of Personal Knowledge, FRE 602; Inadmissible opinion testimony, FRE 701, et. Seq. and Argumentative.

7. On Page 3, first paragraph, “I do not know what my council did. He attended only one hearing and that cost us \$5,500.00. I was no longer able to afford him. Your Honor, all that was done in this case was to get this case transferred to Texas. The Order to Dismiss file [sic] with the Court in 2009 was on lack of jurisdiction. Until this case was transfer [sic] to the proper court, we could not file any motions, [sic] The Plaintiffs knows [sic] full well that if we had filed any motion [sic] other than the ones we did, we would have given jurisdiction to Pennsylvania.”

Plaintiffs Objections: Irrelevant, FRE 401, 402, Lack of Personal Knowledge; Speculation; Lacks Foundation; No Showing of Personal

Knowledge, FRE 602; Inadmissible opinion testimony, FRE 701, et. Seq., Hearsay, FRE 802, et seq. and Argumentative.

8. On Page 3, 2nd paragraph, “As to the First Amendment case, they make one reference to one case. I made reference to at least 8. The case they refer to has nothing to do with the right of Freedom of Sppech as guaranteed by the Constitution of the United States. It has to do with a picture being manufactured and sold by a group of racists. It has to do with a crime, not a civil actions [sic] as this case is. Their argument that the First Amendment does not apply here is wrong [sic].

Plaintiffs Objections: Lack of Personal Knowledge; Speculation; Lacks Foundation; No Showing of Personal Knowledge, FRE 602; Inadmissible opinion testimony, FRE 701, et. Seq., Hearsay, FRE 802, et seq. and Argumentative.

9. On page 3, 3rd paragraph, “When I served them I also attached a copy of the audio tapes on the email. I also BCC several people copies of that email and all of them got the audio tapes. They make a reference to my web site [sic] in which all the audio files are there. They knew all about and listened to the audio tapes on my web site [sic], but they would prefer to lie about it.”

Plaintiffs Objections: Irrelevant, FRE 401, 402, Lack of Personal Knowledge; Speculation; Lacks Foundation; No Showing of Personal

Knowledge, FRE 602; Inadmissible opinion testimony, FRE 701, et. Seq., Hearsay, FRE 802, et seq. and Argumentative.

10. On Page 4, 1st paragraph, “Your Honor, how can all these exhibits be that when it was in their own voices or their own writings that I used. Mr. Berg knows that all of these documents and audio tapes are damning to his clients. Those exhibits prove beyond a doubt that he Plaintiffs did in fact create this entire problem. This another [sic] lawyer trick used by Mr. Berg as he takes advantage of the Court.”

Plaintiffs Objections: Irrelevant, FRE 401, 402, Lack of Personal Knowledge; Speculation; Lacks Foundation; No Showing of Personal Knowledge, FRE 602; Inadmissible opinion testimony, FRE 701, et. Seq., Hearsay, FRE 802, et seq. and Argumentative.

11. On Page 4, 2nd paragraph, “Where is one ounce of any proof that this is true? They do not have it. Mr. Berg and Mrs [sic] Liberi tell all kinds of lies trying [sic] and to make their case.”

Plaintiffs Objections: Irrelevant, FRE 401, 402, Lack of Personal Knowledge; Speculation; Lacks Foundation; No Showing of Personal Knowledge, FRE 602; Inadmissible opinion testimony, FRE 701, et. Seq., Hearsay, FRE 802, et seq. and Argumentative.

12. On Page 4, 3rd paragraph, “What false allegations did I put in my Motion to Dismiss that was not backed up with proof? None. Once again another lie by Berg and Company. What accusations did I make that was not backed up with proof? None. Once again another lie by Berg and company. What reporting of the false information did I put in the Motion to Dismiss? None. It was all backed up with hard proof. These people are the world’s worst at lying and world’s best at manufacturing evidence.”

Plaintiffs Objections: Irrelevant, FRE 401, 402, Lack of Personal Knowledge; Speculation; Lacks Foundation; No Showing of Personal Knowledge, FRE 602; Inadmissible opinion testimony, FRE 701, et. Seq., Hearsay, FRE 802, et seq. and Argumentative.

13. On Page 5, 1st paragraph, “They have done nothing here but lie to the court. Judge Eduardo C. Robreno in the hearing on December 20, 2010 said that the Plaintiffs were **NOT CREDITABLE [sic] NOR BELIEVEABLE [sic]**. This is what Judge Roberno [sic] said of Lisa Liberi: “During her testimony, Liberi was often combative and evasive, and much of her testimony was argument without factual basis...”

Plaintiffs Objections: Irrelevant, *Fed. R. Evid.* [“FRE”] 401, 402, Lack of Personal Knowledge; Speculation; lacks foundation; No Showing of

Personal Knowledge, FRE 602; Inadmissible opinion testimony, FRE 701, et. Seq. and Argumentative.

14. On Page 5, 2nd paragraph, “This is what Judge Roberno [sic] said about Lisa Ostella: **“Like Liberi, Ostella was often combative and evasive during her testimony, and much of her testimony was argument without factual basis...”**

Plaintiffs Objections: Irrelevant, *Fed. R. Evid.* [“FRE”] 401, 402, Lack of Personal Knowledge; Speculation; lacks foundation; No Showing of Personal Knowledge, FRE 602; Inadmissible opinion testimony, FRE 701, et. Seq. and Argumentative.

15. On Page 5, 3rd paragraph, “This is what Judge Roberno [sic] said about Phil Berg: “Berg’s testimony was also combative, evasive, and argumentative...”

Plaintiffs Objections: Irrelevant, *Fed. R. Evid.* [“FRE”] 401, 402, Lack of Personal Knowledge; Speculation; lacks foundation; No Showing of Personal Knowledge, FRE 602; Inadmissible opinion testimony, FRE 701, et. Seq. and Argumentative.

16. If Judge Roberno [sic] found them not to be creditable [sic], how can this court believe anything that they say. Why would they act that way in a court room [sic]? Why would the Plaintiffs do that? That [sic] is a very simple answer

they were lying! They are trying to keep their lies from coming to the light of day.”

Plaintiffs Objections: Irrelevant, *Fed. R. Evid.* [“FRE”] 401, 402, Lack of Personal Knowledge; Speculation; lacks foundation; No Showing of Personal Knowledge, FRE 602; Inadmissible opinion testimony, FRE 701, et. Seq. and Argumentative.

17. On Page 5 and page 6 1st paragraph, “Why should Your Honor believe them now? Judge Roberno [sic] also stated in his order after a hearing on August 7, 2009 that the Plaintiffs would not succeed on the merits of the case. Judge Roberno [sic] heard from both sides in this case on that day and he decided that they did not have a case. See footnote in Document Number 105. If you will also read, you will see where Judge Roberno [sic] described Caren and myself as hosting a [sic] internet radio show in which we had Dr. Orly Taitz on as a guest several times. According to Judge Roberno [sic] that is why we were made defendants in this case”

Plaintiffs Objections: Untruthful, Irrelevant, *Fed. R. Evid.* [“FRE”] 401, 402, Lack of Personal Knowledge; Speculation; lacks foundation; No Showing of Personal Knowledge, FRE 602; Inadmissible opinion testimony, FRE 701, et. Seq. and Argumentative.

III. CONCLUSION:

For all the foregoing reasons, Plaintiffs respectfully request that the Court disregard the foregoing inadmissible “evidence” submitted by Defendants.

Respectfully submitted,

Dated: August 31, 2011

/s/ Philip J. Berg
PHILIP J. BERG, ESQUIRE
Plaintiff in Pro Se and for Plaintiffs pending
Pro Hac Vice Admission

The Following Plaintiffs in Pro Se pending Mr. Berg’s *Pro Hac Vice* Admission, join in these objections; and have given full permission for their electronic signature to be input on the within document. Further, Mr. Berg maintains in his office, the originally signed copies by each of the following Plaintiffs:

Dated: August 31, 2011

/s/ Evelyn Adams
EVELYN ADAMS, Plaintiff

Dated: August 31, 2011

/s/ Lisa Ostella
LISA OSTELLA, and
GO EXCEL GLOBAL, Plaintiffs

Dated: August 31, 2011

/s/ Lisa Liberi
LISA LIBERI, Plaintiff